

SUPERIOR COURT OF ARIZONA  
MARICOPA COUNTY

FC 2007-051376

08/18/2009

HONORABLE LINDA H. MILES

CLERK OF THE COURT

L. Crawford

Deputy

IN RE THE MATTER OF  
DARCY L CHILD

DARCY L CHILD  
13535 E BAYVIEW DR  
SCOTTSDALE AZ 85259

AND

ADAM W CHILD

ADAM W CHILD  
14209 N 99TH ST  
SCOTTSDALE AZ 85260

FAMILY COURT SERVICES-CCC

MINUTE ENTRY

The Court took this matter under advisement at the conclusion of the Evidentiary Hearing held on August 17, 2009 regarding Father's Petition to Modify Child Parenting Time and Child Support and Petition to Modify a Support Order regarding Spousal Maintenance and Child Support, filed on April 7, 2009. The Court has considered the testimony and evidence presented and finds and concludes as follows:

Pursuant to the parties' agreement,

IT IS ORDERED that with respect to the regular parenting time schedule, the parties shall have equal parenting time with the minor children. The parties shall alternate weeks with the children with the exchange of the children taking place on Sunday at 6:00 p.m.

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IT IS FURTHER ORDERED that unless the parties otherwise agree, the parent receiving the children for parenting time shall pick them up at the other parent's residence.

IT IS FURTHER ORDERED that unless the parties otherwise agree, they shall continue to follow the holiday, school break and vacation parenting time schedule set forth in the Decree of Dissolution of Marriage.

With respect to child support,

THE COURT FINDS that there is a substantial and continuing change of circumstances warranting modification of the child support order in this case. Specifically, the parties have been sharing equal parenting time with the children, which is confirmed as an order as set forth above. In addition, Father has suffered a significant decline in income through no fault of his own due to the economic downturn in the mortgage lending industry. Father's current monthly income does not even satisfy his non-modifiable spousal maintenance obligation, which, as set forth in the parties' Decree of Dissolution of Marriage, is \$5,100 per month.

THE COURT FURTHER FINDS that the relevant financial factors required to be included, and the discretionary allowances and adjustments which the Court will allow, for a current calculation of child support pursuant to the Arizona Child Support Guidelines are set forth in the Child Support Worksheet prepared by the Court this date, which the Court hereby incorporates and adopts as its findings with respect to child support.

**LET THE RECORD REFLECT that a copy of the Child Support Worksheet is mailed to each party by way of separate mailing.**

As set forth in the Child Support Worksheet, with the adjustment to the parties' respective gross incomes due to Father's non-modifiable spousal maintenance obligation, and the equal parenting time arrangement, Mother owes child support to Father in the sum of \$1,118.42 per month commencing May 1, 2009 (the first of the month following notice of Father's Petitions to Mother).

IT IS ORDERED that Mother shall pay to Father, as and for child support, the sum of \$1,118.42 per month commencing May 1, 2009. **Given Father's current inability to pay his full spousal maintenance obligation and the significant spousal maintenance and child support arrears that have accrued,<sup>1</sup> Mother's monthly child support obligation to Father shall be credited against Father's monthly spousal maintenance obligation to Mother. If the Order of**

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<sup>1</sup> As set forth in the Judgment/Order filed on February 6, 2009, the Court entered judgments for child support and spousal maintenance arrears in favor of Mother and against Father in the sums of \$11,698.92 and \$44,553.93, respectively, for the time period of July 1, 2008 through February 28, 2009. Father has not paid these judgments in full.

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**Assignment against Father's wages results in full payment of his spousal maintenance obligation, Mother's monthly child support obligation to Father shall be credited against Father's child support and spousal maintenance arrears until the arrears are paid in full. As a result of this credit, an Order of Assignment as to Mother's wages is not entered at this time.**

IT IS FURTHER ORDERED that the Clerk of the Court shall issue a modified electronic Order of Assignment as to Father's wages, which eliminates his obligation for child support and includes only his obligation for spousal maintenance in the sum of \$5,100 per month, plus the monthly Clearinghouse fee.

LET THE RECORD REFLECT that a modified Order of Assignment is initiated electronically by the above-named Deputy Clerk.

IT IS FURTHER ORDERED that Mother shall provide medical insurance for the benefit of the minor children, and the parties shall share the costs of medical, dental and vision expenses not paid by insurance as follows: Father: 0% and Mother: 100%

IT IS FURTHER ORDERED that if Mother has not already done so, she shall provide an insurance card and claim filing information/forms to Father.

IT IS FURTHER ORDERED that the parties shall exchange income information every **6 months** from the date of the entry of this Order for so long as there continues to be an obligation to pay child support. Said financial information shall include, but not be limited to: personal tax returns with all schedules, affidavits of financial information, earning statements and other such documentation necessary to establish/prove his/her income.

THE COURT FURTHER FINDS that pursuant to the terms of the Decree of Dissolution of Marriage, Mother owes Father the sum of \$9,035.84 as and for her share of the deficiency related to the sale of the 2005 Cadillac Escalade, which deficiency was rolled into Father's payment on a replacement vehicle.

IT IS ORDERED that Mother's share of the deficiency related to the 2005 Cadillac Escalade, *i.e.*, the sum of \$9,035.84, shall be credited against Father's outstanding support judgments.

Neither party having requested an award of legal fees and costs,

IT IS FURTHER ORDERED that each party shall pay his/her own legal fees and costs incurred in this matter.

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FILED: Exhibit Worksheet  
Child Support Worksheet

IT IS FURTHER ORDERED signing this minute entry as a formal order of this Court pursuant to Rule 81, Arizona Rules of Family Law Procedure (ARFLP).

/s/ HON. LINDA H. MILES

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JUDGE OF THE SUPERIOR COURT

All parties representing themselves must keep the Court updated with address changes. A form may be downloaded at: <http://www.superiorcourt.maricopa.gov/SuperiorCourt/Self-ServiceCenter>.